

PLANNING & ZONING COMMISSION
6:00 PM. MARCH 3, 2008
EDGEWOOD COMMUNITY CENTER
26 E. FRONTAGE ROAD
MINUTES

In Attendance: Commissioners-Gary Chemistruck, Mike Dodge, Del Rea, Vicki Schober, Phil Todd, Doyce Wilhite, staff member Karen Mahalick, & Town Counselor Marcus Rael.

1. **Call to order :** The meeting was called to order at 6:00 p.m.

2. **Approve agenda:**

Action: A motion was made by Commissioner Chemistruck seconded by Commissioner Wilhite, and passed 5-0 to approve the agenda as presented.

3. **Approve minutes of 02/18/08:**

Action: A motion was made by Commissioner Wilhite, seconded by Commissioner Chemistruck, and passed 5-0, to approve the minutes as presented.

PUBLIC HEARING-QUASI JUDICIAL PROCEDURE STAFF AFFIRMED PUBLIC NOTICE HAD BEEN POSTED. COMMISSIONERS CONFIRMED THERE WERE NO CONFLICTS OF INTEREST/EX PARTE CONTACTS

4. **Zoning variance for Liberty Development, tract 1-a-1 Lands of Bassett on the north side of Highway 333. Request for height variance.** Mr. Andrew Somerville introduced himself as the owner/agent for this request of a height variance. Mr. Somerville stated the request was for a 2 foot height variance to construct a hotel located adjacent to Smith's between I-40 and Old 66. The variance was requested so as to make the project economically feasible.

PLANNING COMMISSIONERS' COMMENTS

Commissioner Rea requested clarification of the height as the site plan depicted 49 feet and 10 inches and the filing documentation stated 39 feet plus additional architectural structure heights to 49 feet 10 inches.

Mr. Somerville stated the overall building height was to be 38 feet with additional height to accommodate architectural design standards.

Commissioners were in receipt of letters of concern from Santa Fe Fire Department and the New Mexico Department of Transportation; hotels/motels are permissible under conditional use permitting for the C-1 commercial zone.

Commissioner Dodge inquired if a conditional use permit had been granted and if it was required pre-variance request

STAFF COMMENTS

Mr. Rael stated the issuance of a conditional use permit was required prior to the granting of a variance and the fire department concerns and the highway department concerns needed to be resolved before a conditional use permit could be considered.

Ms. Mahalick recommended denial of the requested variance as the application failed to meet the minimum requirements for the grant of a variance.

Action: A motion was made by Commissioner Wilhite, seconded by Commissioner Chemistruck, and passed 5-0, to table the requested variance until the fire department highway department and conditional use permitting concerns were resolved and a refined site building plan clarifying the building height was submitted.

5. **JTPF final plat of 5 lots created from 22.30 acres off of Joe Mae road, tract 2-A-5-E of the lands of Sievert, section 8 T10N, R7E.** Agent for the applicant was Tim Oden of Oden and Associates. Mr. Oden stated he had not been involved with the infrastructure construction and noted that the staff report raised concern over the road construction.

Patty Schuert a resident on Joe Mae inquired how this property and her property had been annexed and when. Ms. Schuert requested that the culverts installed be inspected for safety as these were exposed at a dangerous angle. Ms. Schuert stated the residents paid into a road fund and would these people purchasing lots also be required to participate?

Mr. Oden stated the new owners would be part of the Joe Mae road association and required to participate, this had been submitted during the preliminary hearing.

PLANNING COMMISSIONERS' COMMENTS

Commissioner Schober asked if Covenants had been submitted.

Commissioner Chemistruck noted that fire flow had not been tested yet.

STAFF COMMENTS

Ms. Mahalick stated fire flow testing would be requested, the disclosure statement or plat needs to state that tracts 2-A-5E-4 and 2-A-5-E-3 are subject to filing of a grading & drainage plan prior to issuance of a building permit and the road construction needed to be resolved.

Ms. Mahalick reported that the property had been annexed in December of 2001 as part of a petition from 51% petition, her property was assumed under the state statute of the allowable 49%.

Mr. Rael stated a note on the plat or deed restriction would be an effective way to regulate the further division of properties.

Action: A motion was made by Commissioner Wilhite, seconded by Commissioner Schober, and passed 5-0, to table until contractor could meet with the road supervisor, the covenants resolved and the grading & drainage reference on Tracts 2-A-5E-4 and 2-A-5-E-3 be placed in the disclosure statement or on the plat.

5. **Preliminary plat of Highland Stock Farm, LLC, Tract A of lands of Highland Stock Farms, located on the south of Hill Ranch Road, east of Highway 344. 7 lots from 40.40 acres.** Staff requested this be tabled until the 19th, certified letters were not sent within the 15 day public notice period.

Action: A motion was made by Commissioner Chemistruck, seconded by Commissioner Wilhite, and passed 5-0, to table until March 19th, this date was corrected later in the meeting to March 17th.

6. **Preliminary plat of Lending Resources, Request to subdivide lot 49 adjacent to the north side of Prairie Moon Trail, 5 acres zoned residential one acre.** (Withdrawn at agent's request) Residents adjoining the property asked when this would be heard again. Staff reported they would be notified in the same manner,

certified mail and property posting and stated if they would leave their contact information a notice would be sent to those so requesting.

7. **Adjourn.** Commissioner Schober requested that the motion for the tabling of the Highland Stock Farm be corrected to state March 17th, Mr. Rael said the correction was allowable.

Action: A motion was made by Commissioner Chemistruck, seconded by Commissioner Wilhite, and passed 5-0 to approve.

THESE MINUTES ARE NOT OFFICIAL NOR ARE THEY A PERMANENT PART OF THE RECORD UNTIL APPROVED BY THE PLANNING COMMISSION AT THEIR NEXT REGULAR MEETING.